



18,
19

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: JOSH ROGERS, PLANNER II *JR*
(480) 503-6589, JOSH.ROGERS@GILBERTAZ.GOV

THROUGH: AMY TEMES, INTERIM PRINCIPAL PLANNER *AT*
(480) 503-6729, AMY.TEMES@GILBERTAZ.GOV

MEETING DATE: DECEMBER 5, 2018

SUBJECT: A. GP18-12 BELLAMY - REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATIONS OF APPROX. 40.04 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH GREENFIELD AND EAST GERMANN ROADS FROM 16.08 ACRES OF COMMUNITY COMMERCIAL AND 23.96 ACRES OF RESIDENTIAL > 5-8 DU/ACRE TO 40.04 ACRES OF RESIDENTIAL > 3.5-5 DU/ACRE.

B. Z18-26 BELLAMY - REQUEST TO REZONE APPROX. 40.04 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH GREENFIELD AND EAST GERMANN ROADS FROM 16.08 ACRES OF COMMUNITY COMMERCIAL (CC) AND 23.96 ACRES OF SINGLE FAMILY- 6 (SF-6) TO 40.04 ACRES OF SINGLE FAMILY-DETACHED (SF-D) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Community Livability

To allow for a diversity of residential housing.

RECOMMENDED MOTION

- A. Move to recommend to Town Council approval of GP18-12, a Minor General Plan Amendment; and
- B. For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z18-26, as requested, subject to the conditions listed in the staff report.

APPLICANT/OWNER

Company: Lennar Arizona
Name: Chris Clonts
Address: 890 W. Elliot Road #107
Gilbert, AZ 85233
Phone: 480-273-3232
Email: chris.clonts@lennar.com

Company: Zinke Investments LTD
Address: 24831 S. Golfview Dr.
Sun Lakes, AZ 85249
Email: zinke669@gmail.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>October 10, 2006</i>	Town Council approved the annexation of 664.77 acres (Ordinance No. 1853)
<i>March 6, 2007</i>	Town Council approved rezone of 170 acres of Agricultural (AG) and R-43 to SF-15, SF-6, SC, and CC zoning districts (Ordinance No. 1926).
<i>May 22, 2007</i>	Town Council approved zoning map correction rezoning 19 acres of SF-35 to PF/I and SF-6 (Ordinance No. 1962).
<i>October 3, 2018</i>	Planning Commission held a Study Session to discuss the proposed GP18-12 and Z18-26.

Overview

Bellamy is a proposed gated residential development of approximately 40.04 gross (35.68 net) acres located at the southeast corner of Greenfield and Germann Roads (the "Site"). The Site is bordered on the north by Germann Road, the west by Greenfield Road a partially developed residential community to the east, and a mix of residential homes and undeveloped residential land to the south.

The subject site is located on an undeveloped arterial corner approximately 1.5 miles southeast of the Mercy Gilbert Medical Center and the Santan Village Marketplace. Despite being located on a prominent intersection corner that typically attracts commercial uses geared towards commuters looking to make a quick stop on the way home from work, the site has remained undeveloped since being rezoned from agriculture and low-density residential in 2007. The proposed residential development will offer two different lot sizes for an overall density of approximately 4.12 gross DU/Acre.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Shopping Center	Single Family-35 (SF-35)	Germann Road then Vacant
South	Residential>0-1 DU/Acre	Single Family-43 (SF-43) and Single Family-35 (SF-35)	Vacant and Residential
East	Residential>2-3.5 DU/Acre	Single Family-10 (SF-10)	Whitewing at Germann Estates
West	Residential>3.5-5 DU/Acre and Public Facility/ Institutional (PF/I)	Single Family-6 (SF-6) PAD and Public Facility/ Institutional (PF/I)	Greenfield Road then Vacant and Hetchler Soccer Complex
Site	Community Commercial and Residential>5-8 DU/Acre	Community Commercial (CC) and Single Family-6 (SF-6)	Vacant

General Plan

The site's current land use designations allow for small-medium retail and office uses that would be buffered by small-medium lot size homes. The General Plan request is to amend the land use classifications from 16.08 acres of Community Commercial and 23.96 acres of Residential>5-8 DU/Acre to 40.04 acres of Residential >3.5-5 DU/Acre.

Residential Land Use - Staff notes that with a residential density of 5-8 DU/Acre, the current land use designation would permit between 120-192 dwelling units to be constructed in addition to the commercial. The applicant is proposing 165 units in their development plan.

Commercial Land Use – The residential request is a departure from what was originally envisioned, but has remained undeveloped. An abundance of commercial development is located approximately 1.5 miles to the northwest at the Santan Village Marketplace and a cursory analysis by staff has noted that the existing Community Commercial land use on minor arterials is struggling to develop. Staff also notes that an approximately 20 acres parcel located on the northeast corner of the Greenfield and Germann intersection is designated with the Shopping Center land use category.

The applicant has summarized several notable ways in which this proposal conforms to goals and policies outlined in the General Plan:

Promoting Gilbert as a community in which to live, work, and play by: Providing a diversity of housing opportunities within the Town through incorporation of various homesite sizes and corresponding home sizes {Land Use and Growth Areas: Goal 1, Policy 1.3}.

Protecting existing rural residential uses from the impacts of new suburban development by: Providing appropriate and compatible transitional homesites sizes adjacent to the north, east, and south property boundaries {Land Use and Growth Areas: Goal 2, Policy 2.2}.

Promote Infill Development by: Providing the community an alternative housing option in an already established area. The proposal offers a unique transitional homesite size opportunity not currently offered in this area. {Housing and Conservation: Goal 1, Policy 1.1}.

Note: This is not a Major General Plan Amendment because the commercial land use is less than 40 acres.

Rezoning

The current zoning of the subject site is a combination of Community Commercial and SF-6. The applicant is proposing to eliminate the 16.08 acres of CC and 23.96 acres of SF-6 and rezone to a unified designation of Single Family-Detached (SF-D) with a Planned Area Development (PAD) overlay. The intent of the overlay is to (1) increase the maximum wall height at the pedestrian entry gate from 8' to 9'10", (2) decrease the perimeter wall height to allow for a 6'-8" separation fence along arterial right-of-ways from the required 8', and (3) reconfigure the 50'x 250' arterial corner landscape setback.

Development Plan

The proposed development plan includes a mix of two (2) different single family lot sizes with small lots concentrated towards the arterial corner and larger lots used to buffer the surrounding large lot homes. The applicant is also increasing the backyards of the lots bordering the existing Whitewing development to the east by an additional 30' to add a significant buffer.

Circulation– the community is proposing one gated entrance off of Greenfield Road and an additional gate off of Germann Road. The applicant will be improving their half-street for Superstition Drive to the south, but will not be providing an access point to this development from that road.

Traffic Generation

The following table, provided by the applicant, illustrates the new vehicle trips added to the street system from the new proposal compared to what is generated with the current land use.

	Daily Trips			AM Peak Hours			PM Peak Hours		
	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Current Land Use	2,819	2,819	5,638	87	53	140	273	296	569
Proposed Land Use	779	779	1,558	31	91	122	103	60	163
Trip Difference	-2040	-2040	-4080	-56	+38	-18	-170	-236	-406

The development standards are shown below with the proposed modifications in **BOLD** and deletions with a strikethrough.

Project Data Table

Site Development Regulations	Required per LDC (SF-D)	Lot Type 1 - Proposed	Lot Type 2 - Proposed
Minimum Lot Area (sq. ft. per DU)	3,000 sq.ft.	3,772 sq.ft.	6,600 sq.ft.
Minimum Lot Dimensions (ft.)			
Width	N/A	46'	55'
Depth	N/A	82'	120'
Maximum Height (ft.)/Stories	36/3	N/A	N/A
Minimum Building Setbacks (ft.)			
Front	10'	10'	10'
Side	0' or 5'	5' and 5'	5' and 5'
Rear	10'	10'	10'
Maximum Lot Coverage (%)			
One Story	60%	60%	60%
Two/Three Story	50%	50%	50%
Maximum wall height (ft.)	8'	9'10"	
Perimeter Wall Height adjacent to arterials (ft.)	8'	6'8"	
Arterial / Arterial Intersection Landscape	50' x 250' landscape (22,500 sq.ft. total)	34,500 sq.ft.	

Planning Commission Study Session – October 3, 2018 – Requested Information

A commissioner asked that when this case comes back before the Commission, he would be interested in hearing why they are changing this up because it is the only commercial property for a mile and a half. He also stated that Staff has traditionally been concerned with the loss of commercial. And he said that the reduction of the 50' x 250' open space is concerning.

The applicant asserts that attracting commercial users is a challenge due to the following reasons:

- Access issues – proximity to the Greenfield/Germann intersection does not allow a room to create a cut in the center median, therefore only allowing access from eastbound traffic on Germann Rd.
- Density – surrounding acre-plus existing residential development is not adequate enough to support retail development on this corner.

- Existing retail options – the proximity to the Santan Village Marketplace and existing grocery stores appear to supply this area with the necessary retail options that are needed to support the population.
- Underutilized or vacant existing Community Commercial land - Within a 3-mile radius of the site, there is approximately 31.7 acres of vacant CC land. In addition to that, there is another 29.9 acres of land currently zoned as CC that is underutilized as agricultural land. In total there is the potential to build over 61 acres of additional CC land within a 3-mile radius of the site.

An analysis completed by staff would appear to support some of the applicant's assertions. Staff's analysis suggests that in the short term, demand is not as strong as it has been in the past for this area. By contrast, over the long term, trends are moving in a favorable direction for retail development. However in general, retail trends within the subject area are more competitive compared to the Town due to their proximity to the SanTan Mall and SanTan Village Marketplace.

A cursory analysis shows that approximately 86 acres (45%) of the land designated for Community Commercial within approximately 3 miles of the subject site is undeveloped as shown in **Exhibit #8**.

A commissioner asked where the nearest grocery stores were located.

- The nearest grocery store is either Market and Pecos or Higley and Pecos. Refer to **Exhibit #9** for grocery store locations within the vicinity of the subject site.

PUBLIC NOTIFICATION AND INPUT

The applicant has held 2 neighborhood meetings. The first meeting was held on May 1, 2018 and the second on September 25, 2018 at Campo Verde High School. Approximately 5 residents attended the first meeting and 3 attended the second. The resident's questions and concerns brought up in the meetings and in communication with staff include:

- Density is too high for this area.
- Why commercial isn't viable at this location.
- Might bring in too much traffic.
- How the Superstition Drive to the south will be developed.
- Potential for flooding to the properties south with this site developed.

The developer response is attached in **Exhibit # 6**.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

- A. Move to recommend to Town Council approval of GP18-12, a Minor General Plan Amendment; and
- B. For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z18-26, as requested, subject to the conditions listed in the staff report.

Respectfully submitted,

A handwritten signature in black ink that reads "Joshua Rogers". The signature is written in a cursive, flowing style.

Josh Rogers
Planner

Attachments and Enclosures:

- 1) Notice of Public Hearing/Vicinity Map
- 2) Aerial Photo
- 3) Land Use Exhibit
- 4) Zoning Exhibit
- 5) Development Plan
- 6) Draft Ordinance
- 7) Developer Response to Neighborhood Meeting Comments
- 8) Local Area Community Commercial Land Use Development Status
- 9) Local Area Grocery Store Locations

Notice of Public

GP18-12/Z18-26 Bellamy

Attachment 1: Notice of Public Hearing/Vicinity Map

December 5, 2018

PLANNING COMMISSION DATE:

TOWN COUNCIL DATE:

Wednesday, December 5, 2018* TIME: 6:30 PM

Thursday, December 20, 2018* TIME: 6:00 PM

* Call Planning Department to verify date and time: (480) 503-6589

**LOCATION: Gilbert Municipal Center
Council Chambers**

50 E. Civic Center Drive

Gilbert, Arizona 85296

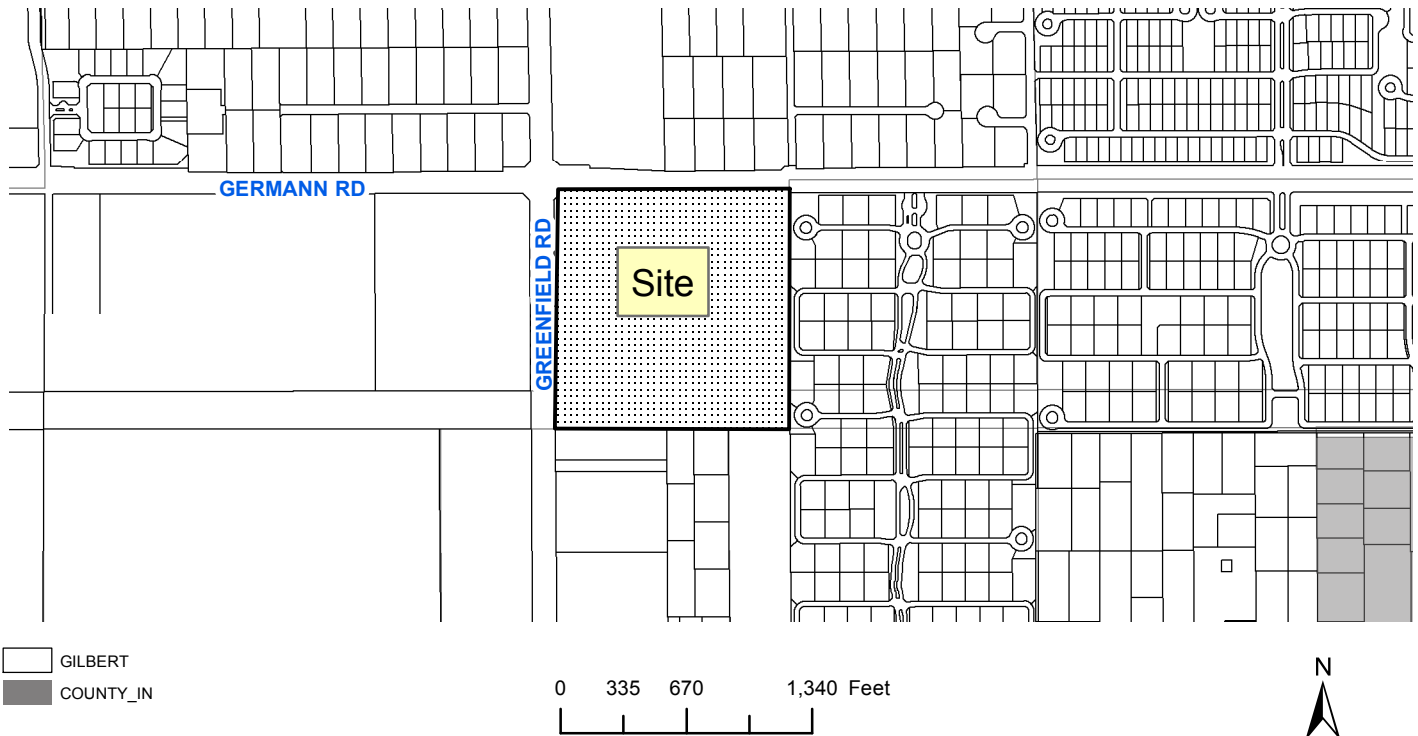
* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission> and <http://www.gilbertaz.gov/departments/clerk-s-office/boards-commissions/town-council>

REQUESTED ACTION:

GP18-12 Bellamy: Request for Minor General Plan Amendment to change the land use classifications of approx. 40.04 acres generally located at the southeast corner of S. Greenfield and E. Germann Roads from 16.08 acres of Community Commercial and 23.96 acres of Residential > 5-8 dwelling units (DU)/acre to 40.04 acres of Residential > 3.5-5 DU/acre, as shown on the exhibit available for viewing in the Planning Services Division. The effect of this amendment will be to change the plan of development to allow residential development.

Z18-26 Bellamy: Request to rezone approx. 40.04 acres generally located at the southeast corner of S. Greenfield & E. Germann Roads from 16.08 acres of Community Commercial (CC) and 23.96 acres of Single Family- 6 (SF-6) to 40.04 acres of Single Family-Detached (SF-D) with a Planned Area Development (PAD) overlay zoning district to modify street frontage landscaping and separation fence height. The effect of the rezoning will be to allow residential development.

SITE LOCATION:



APPLICANT: Lennar Arizona, Inc.

CONTACT: Chris Clonts

ADDRESS: 890 W. Elliot Rd., #107

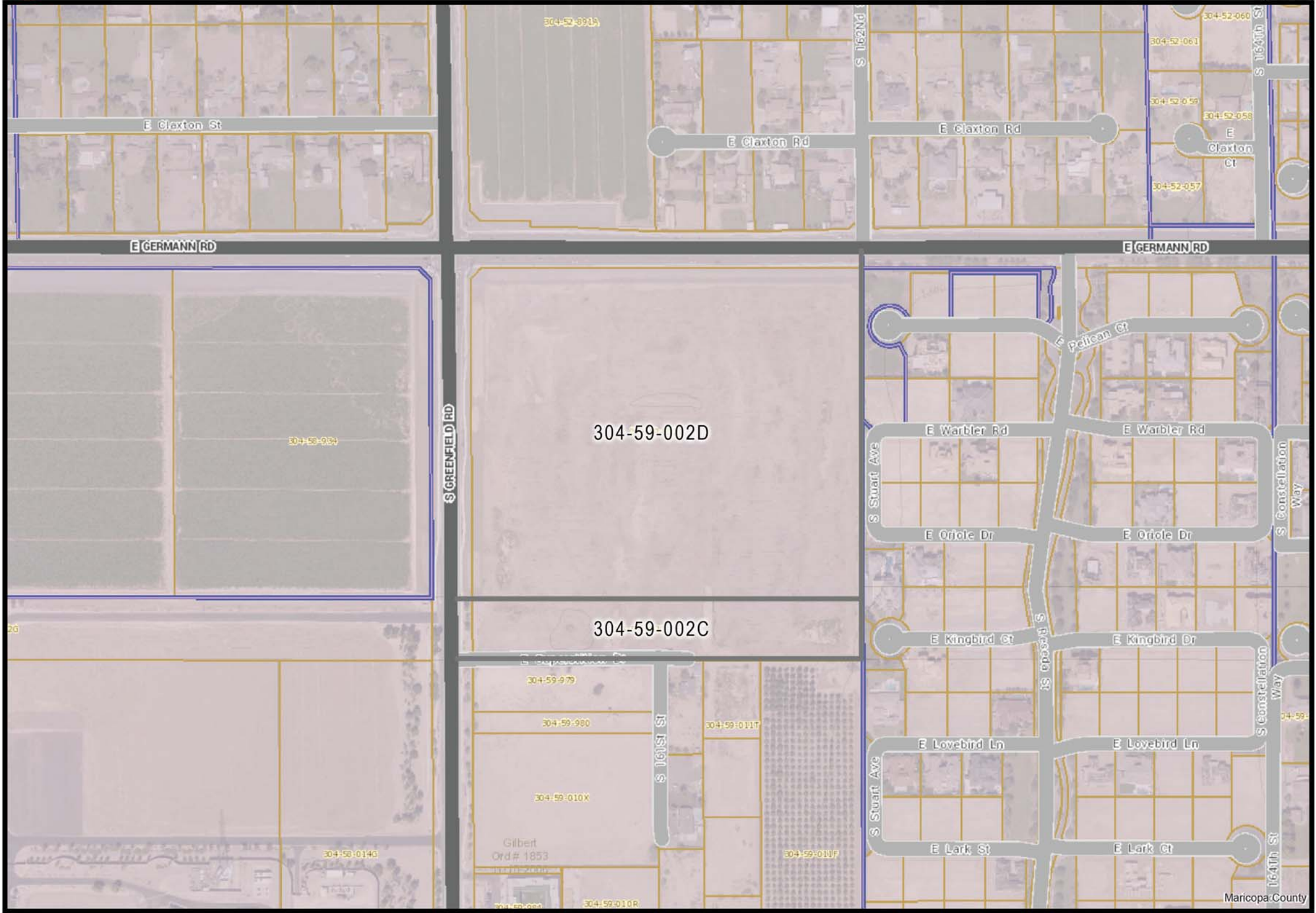
Gilbert, AZ 85233

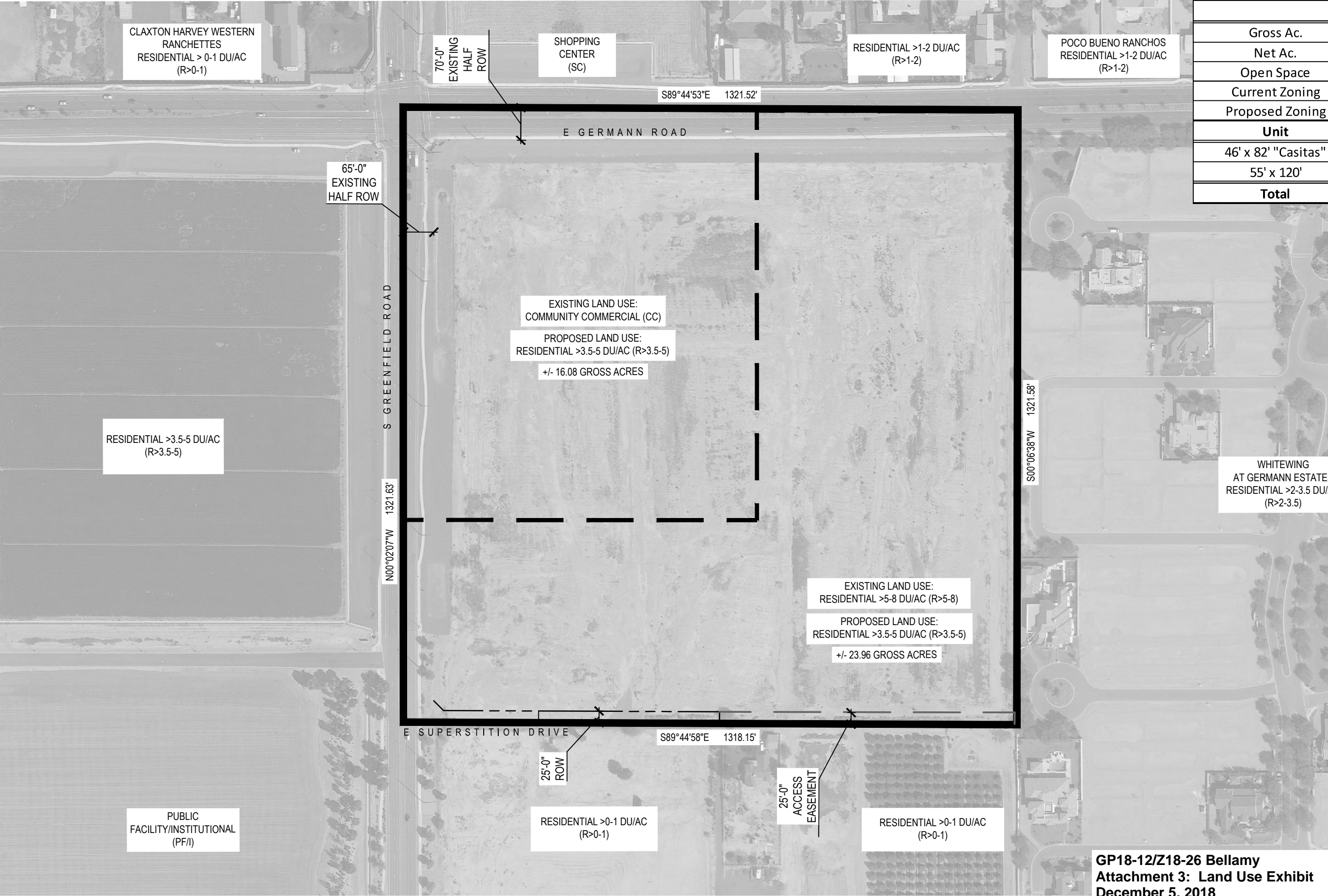
TELEPHONE: (480) 273-3232

E-MAIL: chris.clonts@lennar.com

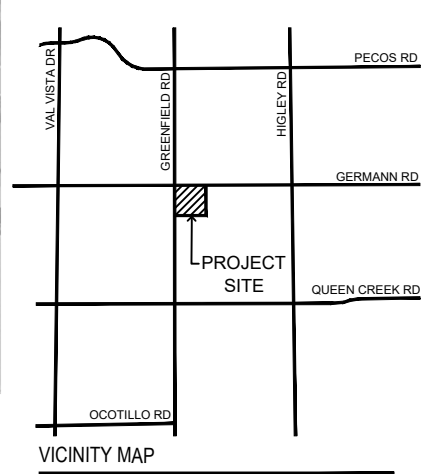


Map

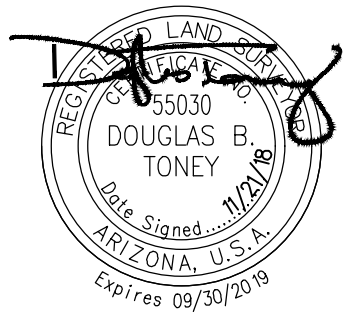
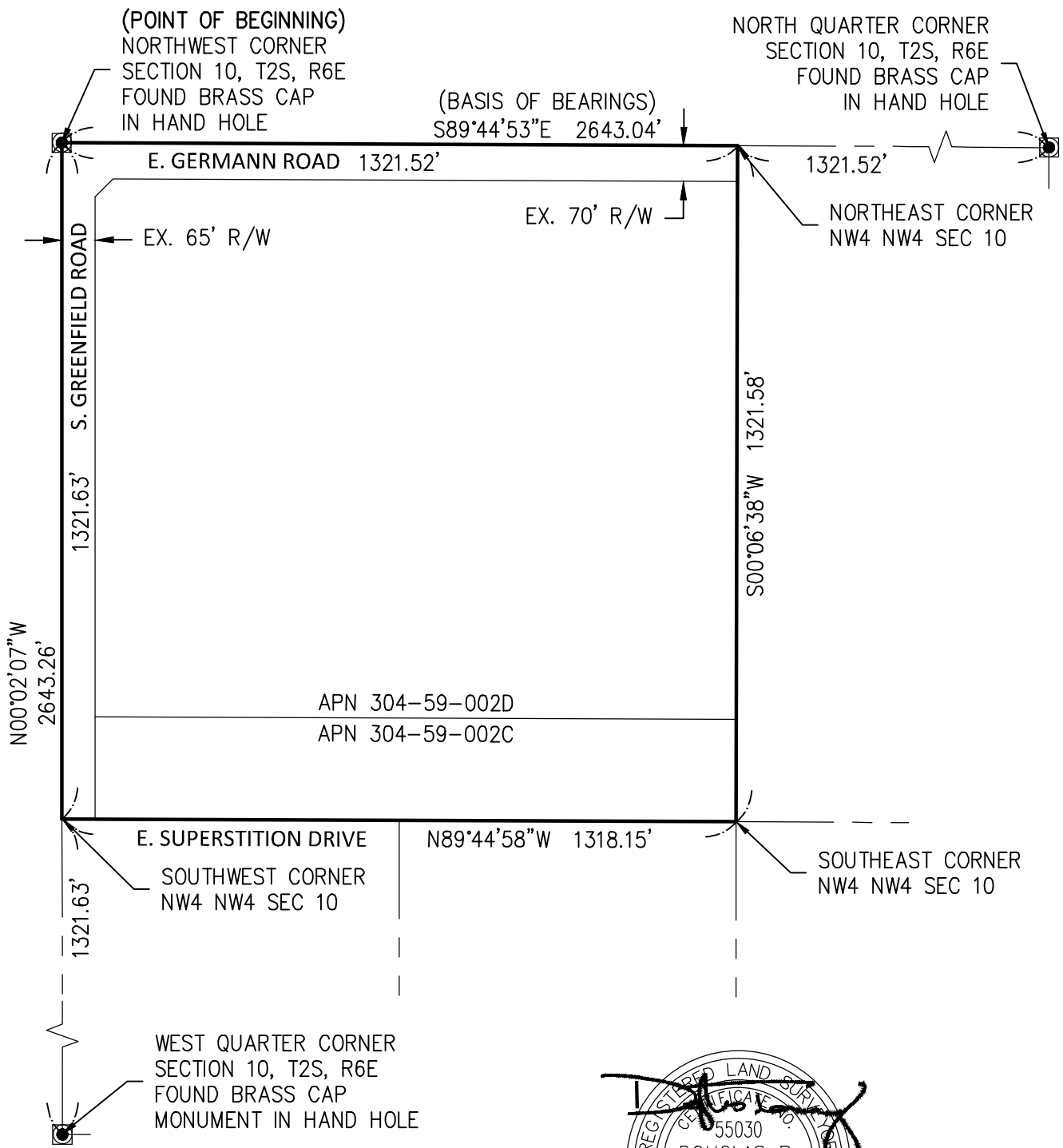




Site Data		
Gross Ac.	40.04 Ac.	4.12 DU/Ac.
Net Ac.	35.68 Ac.	4.62 DU/Ac.
Open Space	8.12 Ac.	22.76%
Current Zoning	SF-6, CC	
Proposed Zoning	SFD	
Unit	Quantity	Mix
46' x 82' "Casitas"	91	55.2%
55' x 120'	74	44.8%
Total	165	100.0%



GP18-12/Z18-26 Bellamy
Attachment 3: Land Use Exhibit
December 5, 2018



November 7, 2018
PROJECT # 050527-01-001

**LEGAL DESCRIPTION
GENERAL PLAN BOUNDARY**

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 10, BEING A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTH QUARTER CORNER OF SAID SECTION 10, BEING A BRASS CAP IN HAND HOLE, BEARS SOUTH 89 DEGREES 44 MINUTES 53 SECONDS EAST (BASIS OF BEARINGS), A DISTANCE OF 2643.04 FEET;

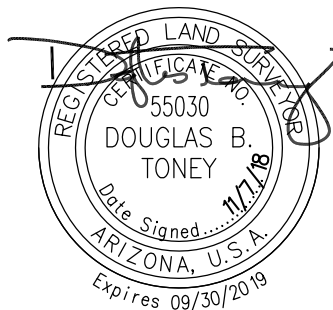
THENCE SOUTH 89 DEGREES 44 MINUTES 53 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 1321.52 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00 DEGREES 06 MINUTES 38 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 1321.58 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE NORTH 89 DEGREES 44 MINUTES 58 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 1318.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 02 MINUTES 07 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 1321.63 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,744,290 SQ.FT. OR 40.0434 ACRES, MORE OR LESS.

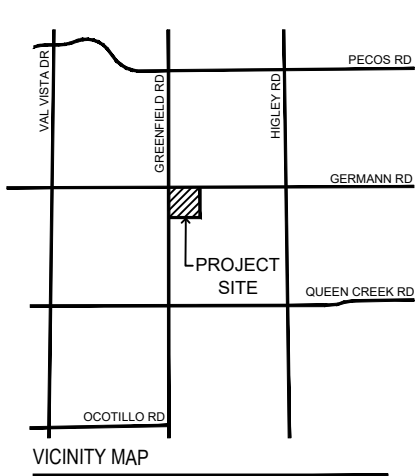




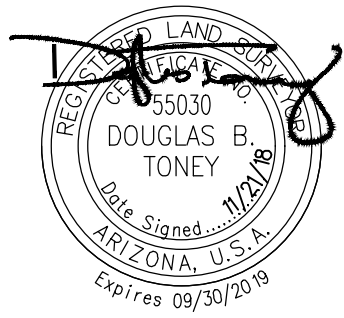
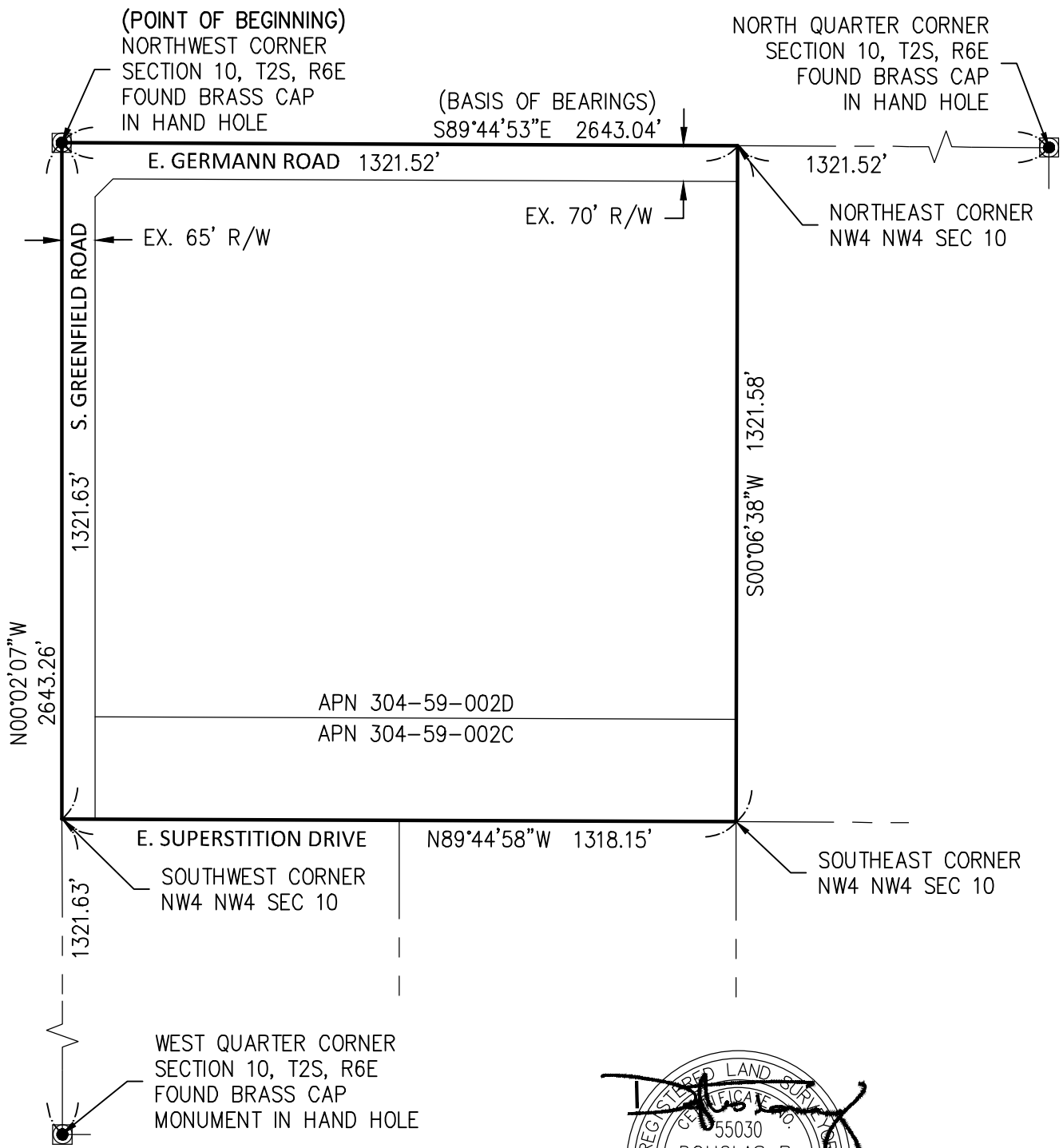
Site Data		
Gross Ac.	40.04 Ac.	4.12 DU/Ac.
Net Ac.	35.68 Ac.	4.62 DU/Ac.
Open Space	8.12 Ac.	22.76%
Current Zoning	SF-6, CC	
Proposed Zoning	SFD	
Unit	Quantity	Mix
46' x 82' "Casitas"	91	55.2%
55' x 120'	74	44.8%
Total	165	100.0%

Development Standard Modifications:

- Modification to allow 10' overall wall height at the pedestrian entry portal. Standard is 8'.
- Modification to allow 6' separation fence. standard is 8'.
- Encroachment into the 50 x 250 landscape setback by lot 8.



GP18-12/Z18-26 Bellamy
Attachment 4: Zoning Exhibit
December 5, 2018



November 7, 2018
PROJECT # 050527-01-001

**LEGAL DESCRIPTION
ZONING BOUNDARY**

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 10, BEING A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTH QUARTER CORNER OF SAID SECTION 10, BEING A BRASS CAP IN HAND HOLE, BEARS SOUTH 89 DEGREES 44 MINUTES 53 SECONDS EAST (BASIS OF BEARINGS), A DISTANCE OF 2643.04 FEET;

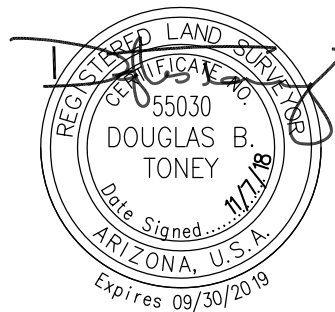
THENCE SOUTH 89 DEGREES 44 MINUTES 53 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 1321.52 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10;

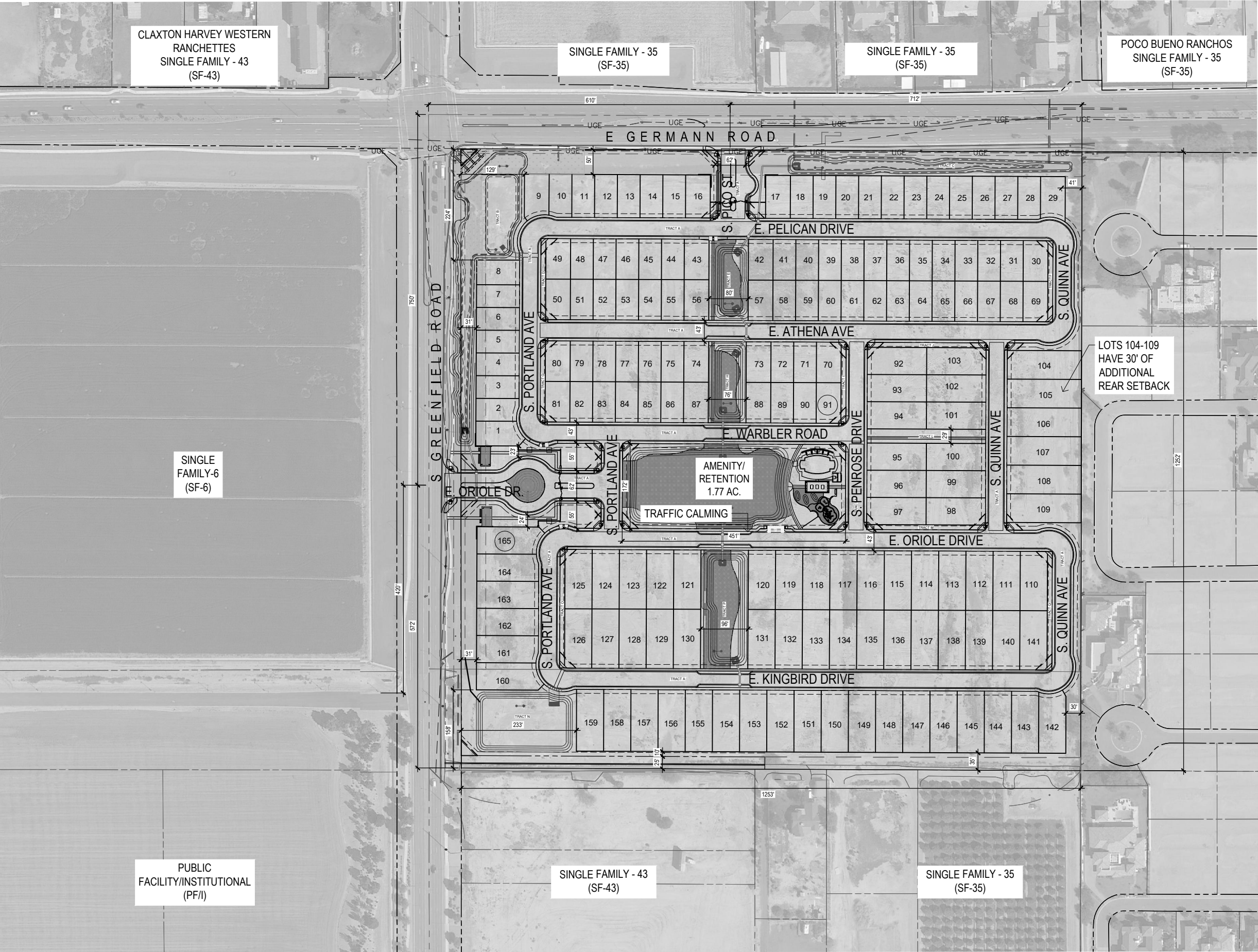
THENCE SOUTH 00 DEGREES 06 MINUTES 38 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 1321.58 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE NORTH 89 DEGREES 44 MINUTES 58 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 1318.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE NORTH 00 DEGREES 02 MINUTES 07 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 1321.63 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,744,290 SQ.FT. OR 40.0434 ACRES, MORE OR LESS.





Site Data		
Gross Ac.	40.04 Ac.	4.12 DU/Ac.
Net Ac.	35.68 Ac.	4.62 DU/Ac.
Open Space	8.12 Ac.	22.76%
Current Zoning	SF-6, CC	
Proposed Zoning	SFD	
Unit	Quantity	Mix
46' x 82' "Casitas"	91	55.2%
55' x 120'	74	44.8%
Total	165	100.0%

Development Standard Modifications:

- Modification to allow 10' overall wall height at the pedestrian entry portal. Standard is 8'.
- Modification to allow 6' separation fence. standard is 8'.
- Encroachment into the 50 x 250 landscape setback by lot 8.

LOTS 104-109
HAVE 30' OF
ADDITIONAL
REAR SETBACK

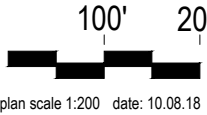
WHITEWING
AT GERMANN ESTATES
SINGLE FAMILY - 10
(SF-10)

GP18-12/Z18-26 Bellamy
Attachment 5: Development Plan
December 5, 2018

LENNAR®

BELLAMY

Development
Plan



andersonbaron
plan • design • achieve
50 n. mcclintock drive, ste 1
chandler, arizona 85226
ph. 480.699.7956 f.480.699.7986

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE BELLAMY PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GILBERT BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 40.04 ACRES, LOCATED AT THE SOUTHEAST CORNER OF S. GREENFIELD AND E. GERMAN ROAD, IN ZONING CASE Z18-26 FROM 23.96 ACRES OF TOWN OF GILBERT SINGLE FAMILY-6 (SF-6) ZONING DISTRICT AND 16.08 ACRES OF TOWN OF GILBERT COMMUNITY COMMERCIAL (CC) ZONING DISTRICT TO 40.04 ACRES OF TOWN OF GILBERT SINGLE FAMILY-DETACHED (SF-D) WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, by adoption of this Ordinance, the Town Council desires to modify base zoning district regulations to implement policies in the General Plan; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Gilbert General Plan, as amended, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

1. The Bellamy Planned Area Development Plan, defined in Paragraph 3 herein and attached hereto as Exhibit 3, is hereby approved.

2. The Official Zoning Map of the Town of Gilbert, Arizona, is hereby amended by changing the zoning classification of property consisting of approximately 40.04 acres described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2 (the "Property"), both attached hereto and incorporated herein by this reference, from approximately 23.96 acres of Town of Gilbert Single Family-6 (SF-6) zoning district and 16.08 acres of Town of Gilbert Community Commercial (CC) zoning district to Town of Gilbert Single Family-Detached (SF-D) zoning district with a Planned Area Development Overlay Zoning District, in accordance with the Development Plan, as defined in Paragraph 3 herein.

3. The following definitions shall apply:

- a. “Project” shall mean the “Bellamy PAD” containing approximately 40.04 acres, located at the southeast corner of S. Greenfield and E. Germann Roads.
- b. “Development Plan” shall mean that certain document submitted pursuant to Section 3.104 of the Land Development Code, as follows:

Exhibit 3: Development Plan Exhibit of Bellamy, Planned Area Development, dated December 20, 2018.

4. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Development Plan and the Land Development Code of the Town of Gilbert. In addition to conformance with the Development Plan, development of the Property shall be subject to the following conditions:

- a. Dedication to Gilbert for the Superstition Drive right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Superstition Drive shall extend 25 feet from the center line and from the property line on Greenfield Road 620 feet to the east. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- b. Dedication to Gilbert for the Superstition Drive roadway easement that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of the Superstition Drive roadway easement shall extend 25 feet from the center line and from 620 feet east of the property line on Greenfield Road to 955 feet east of the property line on Greenfield Road. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- c. Construction of off-site improvements to Superstition Drive adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
- d. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert’s written request may result in the

reversion of the zoning of the Property to the prior zoning classification.

- e. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way.
- f. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- g. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations	Required per LDC	Bellamy SF-D (PAD)
Maximum separation fence height (ft.)	8'	10' – solely applicable to the "Entry Theme Wall" as indicated in Exhibit [blank]
Separation Fence Height adjacent to arterials (ft.)	8'	6'
Arterial / Arterial Intersection Landscape	50' x 250' (11,250 sq.ft. adjacent to each arterial)	Modified, adjacent to the S. Greenfield Rd. arterial, to measure no less than 210' in length and no less than 11,250 sq.ft. in area.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this ____ day of _____, 20__, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

Jenn Daniels, Mayor

ATTEST:

Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

Christopher W. Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE ____ DAY OF _____, 20__, WAS POSTED IN FOUR PLACES ON THE ____ DAY OF _____, 20__.

Lisa Maxwell, Town Clerk

The following exhibits are attached hereto and incorporated herein:

Ordinance No. _____

Page ____ of ____

1. Legal Description
2. Zoning Exhibit (map)
3. Development Plan

Neighborhood Meeting Summary

Lennar's Proposed Single-family Residential Development ("Bellamy"), to be located on 39.66 gross acres at the SEC Greenfield & Germann Roads in Gilbert

Related zoning requests:

- General Plan Amendment from Neighborhood Commercial (NC) and Residential (> 5-8 Du/Acre) to Residential (>5-8 DU/Acre)
- Rezoning from Community Commercial (CC) and Single Family - 6 (SF-6) to Single Family Detached (SF-D)

Neighborhood Meeting Summary:

Location: Campo Verde High School Library
3870 S. Quartz Street, Gilbert

Date: Monday, May 21st, 2018

Time: 6:00 p.m.

Attendees:

- 5 Neighbors (see attached list)
- 1 Town of Gilbert Staff Member (Josh Rogers, Planner II)
- 7 Representatives of Lennar Development Team (ECL, Lennar, Bowman & Anderson Baron)

The meeting began at 6:00 p.m. with an introduction and project overview by Stephen C. Earl, with Earl, Curley & Lagarde. Mr. Earl also introduced members of the Lennar Development Team that were present to answer questions. These introductory comments included information on the existing zoning for the site of R1-6 and CC, and the viability of the existing commercial zoning on a portion of the site. It was also explained that smaller single family casitas within the development are concentrated along the north and west, with the larger lots, consistent with the existing R1-6 zoning, are located along the east and south sides of the property. A increased lot depth or a local street has been incorporated along the east side to provide a buffer to the Whitewing subdivision. The home sizes proposed would be approximately 2,300 to 2,660 square feet and the anticipated pricing between the mid-\$300's to mid-\$400's.

The room was set-up in an open house format with 4 different exhibits illustrating the preliminary subdivision design, project details, aerial photos, zoning and General Plan designation of the site and area, and examples of the representative homes for the project.

After the introduction, Mr. Earl invited the neighbors to take a closer look at the various exhibits, and members of the Development Team would answer any questions they might have.

Questions from those neighbors in attendance were as follows, with the responses provided below each question (in *italics*):

Question:

Will the proposed development have access to the subdivisions to the east or south?

Response: *No, the proposed development does not connect to the existing properties or streets to the east and south, although an accommodation for continuing access to the property immediately to the south is being made as part of the request.*

Question: Where else is Lennar building in Gilbert, and do any of those projects have similar homes?

Response: *It was noted that Lennar does have other developments in Gilbert and in the southeast valley area, such as Layton Lakes (actually in both Gilbert and Chandler). The neighbors were encouraged to visit other Lennar developments including using Lennar's website to find precise locations to many high-quality Lennar subdivisions.*

Question: Will any homes have accessory dwelling units or "mother-in-law" quarters?

Response: *Yes, there will be "NextGen" units in this project. These specially designed homes provide for an attached bedroom suite with a kitchenette. . These NextGen homes have been designed under the same single roof structure as the home itself and connected internally.*

Question: What is the extent of the existing commercial zoning in this area?

Response: *Using aerial and zoning exhibits, it was shown that commercial zoning ("CC" – Community Commercial) exists on approximately ½ of the site, with existing SF-6 to the east and south. It was also explained that south of the #202 Freeway in Gilbert there are numerous large and small active commercial centers to meet the needs of residents.*

Question: Why isn't commercial viable at this location?

Response: *It was explained that the development of commercial centers at each arterial corner, as had occurred pre-recession, was no longer common in post-recession times due to large influence of e-commerce. There is already an enormous supply of commercial development within*

the area that could and would meet resident demands. Smaller centers without a major anchor tenant are not viable.

Question: Where will walls be located?

Response: *It was noted that the community would include walls along the entire perimeter, and would likely utilize the existing wall along the east.*

Question: What has been the response of the developer of the subdivision to the east?

Response: *Toll Brothers is developing the subdivision to the east ("Whitewing"), and they are aware of the proposed development by Lennar. As part of those discussions, a 30-foot additional setback along the east – where there are lots – will be provided or a local street will separate these new Lennar Homes from the perimeter wall with Whitewing.*

Question: Can the driveway along Germann Road be moved to the west to provide a left-turn into the currently-vacant property to the north?

Response: *We noted that based on the existing raised median in Germann Road, permission from the Town must be obtained to create a break in this median to allow full access for this project at this driveway. We agreed to support the property owner(s) to the north in their request to create a median break and would be willing to move our entrance further to the west, if allowed by the Town of Gilbert. Josh Rogers, Planner II for the Town of Gilbert, stated that he would look into this.*

Question: Will there be a Homeowner's Association?

Response: *Yes, there will be an HOA to maintain both community standards and common areas. The HOA may also maintain all front yard landscaping.*

Question: There's a lot of traffic along Greenfield Road – how will the proposed development impact traffic?

Response: *The community has two access points as presently designed: One onto Greenfield Road, which will allow for full access (left-turns into and out of the development), and one onto Germann Road, which – due to the existing raised median – may be limited to right-turns unless a median break can be negotiated with the Town. Both streets have been recently constructed to their respective ultimate arterial road design and were done so by the Town of Gilbert based on anticipated development along both roadways.*

Question: What will be the prices for the proposed homes?

Response: *It is anticipated that the homes will sell from the mid-\$300,000 to mid-\$400,000 range.*

No other specific questions regarding the proposed development were asked. Other comments were in regard to the changing character of the area, from dairies and agriculture to homes.

The meeting concluded at approximately 5:50 p.m.

